



STATE OF MICHIGAN  
TERRI LYNN LAND, SECRETARY OF STATE  
DEPARTMENT OF STATE  
LANSING

March 15, 2004

Dear Notary Public:

As a commissioned notary public for the state of Michigan, you serve a vital function to the general public as well as the business community. Your commitment to integrity provides the foundation for important transactions of commerce. For this reason, the recently enacted Michigan Notary Public Act (PA 238 of 2003) has been adopted. It is both important and imperative that our laws reflect the evolving needs of our modern society, and this new Act is reflective of those needs.

As a result of this new law, the application process has been streamlined, the length of the commission has been extended, the fee structure has been revised for the first time since 1971, and numerous other significant changes have taken place. These changes have been accomplished to ensure that you and your customers are served promptly, efficiently, and in a more contemporary fashion.

**If your notary commission is active, you are not required to reapply until your current commission is about to expire.** However, beginning April 1, 2004, you must adhere to all the new laws including those regarding fees, restrictions and liability.

I invite you to learn about these changes to the notary law by visiting our Web site at [www.Michigan.gov/sos](http://www.Michigan.gov/sos). There you will find a summary of the law, a flow chart of the application process, and a link to the Michigan Notary Public Act. For your convenience, we've printed a brief comparison of the old and new laws on the back of this letter. For further information, I urge you to contact your county clerk's office, or the Michigan Department of State's Office of the Great Seal directly at (517) 373-2531.

Thank you for your willingness to serve the public, and I personally thank you for your dedication.

Sincerely,

Terri Lynn Land  
Secretary of State

# Summary of Changes

## Michigan Notary Public Act (PA 238 of 2003)

**Effective Date: April 1, 2004**

House Bill 4938, signed into law as the Michigan Notary Public Act (PA 238 of 2003)\* marks the first comprehensive revision of Michigan's notary statute since 1846. The new law streamlines the application process by requiring the bond and oath before the application is submitted to the secretary of state; extends the length of new appointments by an additional two years; establishes statewide appointments (no need to reapply when moving within the state); revises fees; clarifies rules, responsibilities and restrictions; and creates new notary crimes, including sanctions for the notary's employer.

Under the new law, active Michigan notary publics retain their commissions and are not required to reapply until their commissions are about to expire. However beginning April 1, notaries must adhere to all the current laws including those regarding fees, restrictions and liability.

Listed below is a brief comparison of the previous and new requirements. For additional information, visit the Secretary of State Web site, [www.michigan.gov/sos](http://www.michigan.gov/sos).

	<b><u>Previous</u></b>	<b><u>New</u></b>
Length of Commission	4-5 years	6-7 years
Filing fee at clerk's office	\$1	\$10
Application fee at state level	\$3	\$10
Charge to customer for notary act	\$2	Up to \$10
County clerk fee for certification of notary	varies	\$10**
Replacement of commission/duplicate	\$1	\$10
Surety Bond amount	\$10,000	\$10,000
Surety Bond filing	<b>after</b> commission is issued	<b>before</b> commission is issued
Receipt of commission	at county clerk's office	direct via US mail
Relocation to another county	must cancel and reapply	register change of address only
Legislative endorsement	required	not required
Driver's license or state ID #	not required	required
U.S. citizenship or proof of legal presence	not required	required***
Background check	none	allowed
Notary education & training fund	none	established
Quarterly reports from county to state	required	not required
Employer liability	none	yes, with knowledge of misconduct
Notarize for immediate family member	allowed	not allowed
Advertise in foreign language	allowed	not allowed

\*to review the actual text of Public Act 238 of 2003, please visit the Legislative website at [www.michigan.legislature.org](http://www.michigan.legislature.org).

\*\*different in Wayne County

\*\*\*arrangements made for out-of-state residents ID